

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA,

Plaintiff,

- against -

SPECTRUM WHOLESALE, INC. and
THOMAS J. CICCARELLI,

Defendants.
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Civil Action No.
CV-2:25-0127

(Azrack, J.)
(Wick, M.J.)

**NOTICE OF MOTION FOR DEFAULT JUDGMENT, INCLUDING CIVIL PENALTIES
AND A PERMANENT INJUNCTION PURSUANT TO FED. R. CIV. P. 55**

PLEASE TAKE NOTICE that upon the Declaration of Richard Kan, dated May 8 2025, and the pleadings, papers and proceedings herein, plaintiff, the UNITED STATES OF AMERICA, by its attorney, JOHN J. DURHAM, United States Attorney for the Eastern District of New York, and Matthew Silverman, Assistant U.S. Attorney, will move this Court, before the Honorable Joan M. Azrack, at 10:00 A.M. on May 21, 2025, or at a date and at a time thereafter to be designated by the Court, for an order pursuant to Fed. R. Civ. 55 directing default in favor of the United States of America and against the defendants SPECTRUM WHOLESALE INC. and THOMAS J. CICCARELLI (“Defendants”), upon the ground that Defendants have not filed an answer or other response to the Complaint in this action.

The above-entitled action seeks civil penalties and permanent injunctive relief pursuant to, 42 U.S.C. §§ 7413(a)(3)(C), 7523(a), and 7524(b), including an order enjoining Defendants from selling, offering for sale, or causing the sale or offering for sale, of any part or component intended for use with, or as a part of, any motor vehicle or motor vehicle engine, where a principal effect of

the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine (“Aftermarket Defeat Products”).

The United States will ask this Court to assess civil penalties against the Defendants and to enter a permanent injunction enjoining Defendants, and any individuals or entities acting in concert with them, from selling, offering for sale, or causing the sale or offering for sale of Aftermarket Defeat Products. Further the proposed permanent injunction will require Defendants, and those acting in concert with them, to remove any advertisements or webpages offering for sale Aftermarket Defeat Products.

Dated: Brooklyn, New York
May 9, 2025

JOSEPH NOCELLA, JR.
United States Attorney
Eastern District of New York

By: /s/ Matthew Silverman
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